Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection
Northeast Regional Office • 205B Lowell Street, Wilmington MA 01887 • 978-694-3200

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July 30, 2012

Mr. Craig Ruberti
University of Massachusetts Amherst
Central Heating Plant
360 Campus Way
Amherst, MA 01003

RE: Amherst
Transmittal No.: X251718
Application No.: WE-12-014
Class: *OP*
FMF No.: 50003
AIR QUALITY PLAN APPROVAL

Dear Mr. Ruberti:

The Massachusetts Department of Environmental Protection ("MassDEP"), Bureau of Waste Prevention, has reviewed your Non-Major Comprehensive Plan Application ("Application") listed above. This Application concerns the proposed construction and operation of two existing John Deere diesel-fired emergency engines at your facility located at 102 Draper Hall in Amherst, Massachusetts ("Facility"). The Application bears the seal and signature of Kelley Begin, Massachusetts Registered Professional Engineer number 45857.

This Application was submitted in accordance with 310 CMR 7.02 Plan Approval and Emission Limitations as contained in 310 CMR 7.00 "Air Pollution Control," regulations adopted by MassDEP pursuant to the authority granted by Massachusetts General Laws, Chapter 111, Section 142 A-J, Chapter 21C, Section 4 and 6, and Chapter 21E, Section 6. MassDEP's review of your Application has been limited to air pollution control regulation compliance and does not relieve you of the obligation to comply with any other regulatory requirements.

MassDEP has determined that the Application is administratively and technically complete and that the Application is in conformance with the Air Pollution Control regulations and current air pollution control engineering practice, and hereby grants this **Plan Approval** for said Application, as submitted, subject to the conditions listed below.

Please review the entire Plan Approval, as it stipulates the conditions with which the Facility owner/operator ("Permittee") must comply in order for the Facility to be operated in compliance with this Plan Approval.

1. DESCRIPTION OF FACILITY AND APPLICATION

The University of Massachusetts Amherst has submitted an application to construct and operate two diesel-fired emergency engines which are currently located at Cance Hall and Moore Hall. The two diesel-fired emergency engines are John Deere Model No. 3029TF270D and are each rated at 48 kilowatts of mechanical power output (equivalent to 64 horsepower). The facility is currently operating pursuant to Operating Permit #1-O-96-063 (expired January 7, 2009) and Plan Approval #1-B-08-015 (dated December 31, 2009). The renewal Operating Permit #1-O-07-009 is in the predraft stage of the renewal process.

The diesel-fired emergency engines were manufactured in 2007 and installed in 2008. At the time of manufacture, the engines were certified to meet the United States Environmental Protection Agency (USEPA) Tier 2 emission standards for nonroad engines in accordance with 40 CFR Part 89. However, both engines are also subject to the Massachusetts Environmental Results Program, 310 CMR 7.26(42), which requires the engines to comply with the applicable emission limitations set by the USEPA for nonroad engines (40 CFR Part 89.112 and 89.113) at the time of installation pursuant to 310 CMR 7.26(42)(b)1.. According to 310 CMR 7.26(42)(b)1., engines which were installed in 2008 must meet the USEPA Tier 3 emission standards. The Tier 2 and Tier 3 emission standards for carbon monoxide (CO) and particulate matter (PM) are the same except that the nonmethane hydrocarbon and nitrogen oxides (NMHC + NOx) Tier 3 emission standards are more stringent then the Tier 2 standards. Since the engines are not capable of complying with the NMHC + NOx Tier 3 emission limit requirements of 310 CMR 7.26(42)(b)1., a non-major comprehensive plan approval has been submitted to limit the hours of operation for each engine to 188 hours per year. The proposed annual operating hour restriction results in an annual emission rate (tons/year) which is equivalent to the annual emission rate from a Tier 3 engine operating 300 hours per year, on a NOx and NMHC basis.

The proposed air contaminant emissions from the diesel-fired John Deere Model No. 3029TF270D emergency engine are provided in the table below based on the Power Tech engine emission data. The engine's annual emissions, in tons per year, are based on an operating restriction of 188 hours per year. The USEPA Tier 3 and Tier 2 emission standards are provided in the table below for comparison purposes.

Table 1. Diesel-Fired Engine Emissions

Air Pollutant	USEPA Tier 3 Emission Standards	USEPA Tier 2 Emission Standards	John Deere Model No. 3029TF270D	
	g/bhp-hr	g/bhp-hr	g/bhp-hr	Tons/year
NMHC + NOx	3.5	5.6	5.02 (HC+NOx)	0.067
NOx	-	-	4.65	0.062
HC	-	-	0.37	0.005
CO	3.7	3.7	1.09	0.05
PM	0.3	0.3	0.12	0.004

Table 1 Notes:
NMHC = nonmethane hydrocarbon
NOx = nitrogen oxides
HC = hydrocarbon
CO = carbon monoxide
PM = particulate matter
g/bhp-hr = grams/brake horsepower-hour
tons/year = tons in any 12 consecutive month period

Best Available Control Technology Analysis
The two diesel-fired John Deere Model No. 3029TF270D emergency engines must satisfy the best available control technology (BACT) requirements of 310 CMR 7.02(8)(a)2. To satisfy BACT, the permittee has proposed to meet the emission rates specified in Table 1 and to limit the hours of operation for each engine to 188 hours per year. This restriction will result in an annual NMHC + NOx emission rate (tons/year) from each engine that would be equivalent to the annual emission rate (tons/year) from a Tier 3 emergency engine operating 300 hours per year. A selective catalytic reduction system was evaluated for further NOx control but was found to not be readily available for 48 kilowatt size engines, nor would it be cost effective for such a small NOx reduction. As shown in Table 1, the CO and PM emission rates from each engine will be more than capable of complying with the USEPA Tier 2 and Tier 3 emission standards of 40 CFR Part 89.112. MassDEP agrees with this BACT determination.

Regulatory Applicability
In addition to being subject to the BACT requirements of 310 CMR 7.02(8)(a)2, the engines are subject to the visible emission requirements of 310 CMR 7.06 and 40 CFR Part 89.113, the dust, odor, construction and demolition requirements of 310 CMR 7.09 and the noise reduction requirements of 310 CMR 7.10. With the exception of the 310 CMR 7.26(42)(b) Emission Limitations as explained above, each engine shall comply with all other applicable requirements of 310 CMR 7.26(42).

The University of Massachusetts Amherst has indicated that they are a non-major source of HAPs. Therefore, the emergency stationary reciprocating internal combustion engines (RICEs) are located at an area source of HAPs and are subject to the National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 40 CFR Part 63 Subpart ZZZZ. According to Subpart ZZZZ, the John Deere Model No. 3029TF270D emergency engines are defined as new stationary engines since they were constructed at the site after June 12, 2006. In addition, the two emergency stationary RICEs are subject to 40 CFR Part 60 Subpart IIII (Standards of Performance for Stationary Compression Ignition Internal Combustion Engines). Pursuant to 40 CFR 63.6590(c), there are no applicable requirements for the engines contained in 40 CFR Part 63 Subpart ZZZZ other than to comply with 40 CFR Part 60 Subpart IIII.

2. EMISSION UNIT (EU) IDENTIFICATION

Each Emission Unit (EU) identified in Table 1 is subject to and regulated by this Plan Approval:

Table 1

EU#	Description	Design Capacity	Pollution Control Device (PCD)
19	2007 Model Year, John Deere Model No. 3029TF270D Diesel-Fired Emergency Generator	48 Kilowatts Rated Mechanical Power Output	None
20	2007 Model Year John Deere Model No. 3029TF270D Diesel-Fired Emergency Generator	48 Kilowatts Rated Mechanical Power Output	None

Table 1 Key:
EU# = Emission Unit Number
PCD = Pollution Control Device

3. APPLICABLE REQUIREMENTS

A. OPERATIONAL, PRODUCTION and EMISSION LIMITS

The Permittee is subject to, and shall not exceed the Operational, Production, and Emission Limits as contained in Table 2 below:

Table 2

EU#	Operational / Production Limit	Air Contaminant	Emission Limit
19 20	1. Operate each engine no more than 188 hours per year (in any 12 consecutive month period) This operating restriction includes normal maintenance and testing procedures as recommended by the manufacturer.	Sulfur in fuel	≤15 ppm (≈0.0015% sulfur by weight)
		NMHC and NOx	≤5.02 grams/brake horsepower-hour and ≤0.067 tons in any 12 consecutive month period per engine
		NOx	≤4.65 grams/brake horsepower-hour and ≤0.062 tons in any 12 consecutive month period per engine
		NMHC	≤0.37 grams/brake horsepower-hour and ≤0.005 tons in any 12 consecutive month period per engine
		CO	≤ 1.09 grams/brake horsepower-hour and ≤ 0.014 tons in any 12 consecutive month period per engine
		PM	≤ 0.12 grams/brake horsepower-hour and ≤0.002 tons in any 12 consecutive month period per engine
		Smoke	No. 1 of "the Chart" no more than 6 minutes during any one hour, no time to exceed No. 2 of "the Chart"
		Opacity	≤ 20%, except 20 to ≤ 40% for ≤ 2 minutes during any one hour; ≤ 20 percent during the acceleration mode; and ≤15 percent during the lugging mode.

Table 2 Key:
EU# = Emission Unit Number
NO_x = Nitrogen Oxides
NMHC = Nonmethane Hydrocarbons
CO = Carbon Monoxide
PM = Total Particulate Matter
≤ = less than or equal to
% = percent

B. COMPLIANCE DEMONSTRATION

The Permittee is subject to, and shall comply with, the monitoring, testing, record keeping, and reporting requirements as contained in Tables 3, 4, and 5 below:

Table 3

EU#	Monitoring and Testing Requirements
19 20	1. In accordance with 310 CMR 7.26(42)(e)2., MassDEP may require emission testing or other monitoring to assure compliance with the requirements of 310 CMR 7.26(42).
	2. In accordance with 310 CMR 7.26(42)(d)1.and 40 CFR 60.4209(a), a non-turnback hour counter shall be installed, operated and maintained in good working order on each engine.
	3. In accordance with 310 CMR 7.26(42)(e)3., any testing when required shall comply with the following: a. Tests to certify compliance with emission limitations must be performed in accordance with USEPA reference Methods, California Air Resources Board Methods approved by USEPA, or equivalent methods as approved by MassDEP and USEPA. b. Particulate matter from liquid fuel reciprocating engines shall be determined using Method 8178 D2 of the International Organization for Standardization. c. Testing shall be conducted at the full design load of the emergency engine. d. MassDEP may require emission or other testing to assure compliance with the emission limitations or fuel requirements.
	4. The Permittee shall monitor fuel oil purchases such that only fuel oil containing no greater than 0.0015 percent by weight is purchased for use in [each] unit.
	5. The Permittee shall monitor sulfur content of each new shipment of fuel oil received. Sulfur content of the fuel can be demonstrated through fuel analysis. The analysis of sulfur content of the fuel shall be in accordance with the applicable American Society for Testing Materials (ASTM) test methods or any other method approved by the MassDEP and USEPA. Fuel sulfur information may be provided by fuel suppliers.
Facility-wide	6. The Permittee shall monitor all operations to ensure sufficient information is available to comply with 310 CMR 7.12 Source Registration
	7. If and when MassDEP requires it, the Permittee shall conduct emission testing in accordance with USEPA Reference Test Methods and regulation 310 CMR 7.13

Table 3 Key:
EU# = Emission Unit Number
USEPA = United States Environmental Protection Agency

Table 4	
EU#	**Record Keeping Requirements**
19 20	1. In accordance with 310 CMR 7.26(42)(f), the Permittee shall maintain the records described in 310 CMR 7.26(42)(f)1. through 4 as specified below. Such records shall be maintained on site and shall be made available to MassDEP or its designee upon request. The Permittee shall certify that records are accurate and true in accordance with 310 CMR 7.01(2)(a) through (c). a. Information on equipment type, make and model, and rated power output; and b. A monthly log of hours of operation, fuel type heating value and sulfur content for fuel oil. A monthly calculation of the total hours operated in the previous 12 months; and c. Purchase orders, invoices, and other documents to substantiate information in the monthly log; and d. Copies of certificates and documents from the manufacturer related to certificates.
	2. The Permittee shall maintain oil analysis results used to demonstrate compliance with fuel oil sulfur content requirements.
	3. The Permittee shall maintain adequate records on-site to demonstrate compliance with all operational, production, and emission limits contained in Table 2 above. Records shall also include the actual emissions of air contaminant(s) emitted for each calendar month and for each consecutive twelve month period (current month plus prior eleven months). These records shall be compiled no later than the 15th day following each month. An electronic version of the MassDEP approved record keeping form, in Microsoft Excel format, can be downloaded at http://www.mass.gov/dep/air/approvals/aqforms.htm#report .
	4. The Permittee shall maintain records of monitoring and testing as required by Table 3.
	5. The Permittee shall maintain a copy of this Plan Approval, underlying Application and the most up-to-date SOMP for the EU(s) approved herein on-site.
	6. The Permittee shall maintain a record of routine maintenance activities performed on the approved EU(s), PCD(s) and monitoring equipment. The records shall include, at a minimum, the type or a description of the maintenance performed and the date and time the work was completed.
	7. The Permittee shall maintain a record of all malfunctions affecting air contaminant emission rates on the approved EU(s) and monitoring equipment. At a minimum, the records shall include: date and time the malfunction occurred; description of the malfunction; corrective actions taken; the date and time corrective actions were initiated and completed; and the date and time emission rates and monitoring equipment returned to compliant operation.
	8. The Permittee shall maintain records to ensure sufficient information is available to comply with 310 CMR 7.12 Source Registration.
	9. The Permittee shall maintain records required by this Plan Approval on-site for a minimum of five (5) years.
	10. The Permittee shall make records required by this Plan Approval available to MassDEP and USEPA personnel upon request.

Table 4 Key:
EU# = Emission Unit Number
PCD = Pollution Control Device
SOMP = Standard Operating and Maintenance Procedure
USEPA = United States Environmental Protection Agency

Table 5	
EU#	**Reporting Requirements**
19 20	1. In accordance with 310 CMR 7.26(42)(f), make available the monthly log(s) and records established under 310 CMR 7.26(42)(f) to MassDEP or its designee upon request. The Permittee shall certify that the log is accurate and true in accordance with 310 CMR 7.01(2).
	2. The Permittee shall submit to MassDEP all information required by this Plan Approval over the signature of a "Responsible Official" as defined in 310 CMR 7.00 and shall include the Certification statement as provided in 310 CMR 7.01(2)(c).
	3. The Permittee shall notify the Western Regional Office of MassDEP, BWP Permit Chief by telephone *[413-755-2115]*, email, *[marc.simpson@state.ma.us]* or fax *[413-784-1149]*, as soon as possible, but no later than three (3) days after discovery of an exceedance(s) of Table 2 requirements. A written report shall be submitted to the Permit Chief at MassDEP within ten (10) days of discovery and shall include: identification of exceedance(s), duration of exceedance(s), reason for the exceedance(s), corrective actions taken, and action plan to prevent future exceedance(s).
	4. The Permittee shall report annually to MassDEP, in accordance with 310 CMR 7.12, all information as required by the Source Registration/Emission Statement Form. The Permittee shall note therein any minor changes (under 310 CMR 7.02(2)(e), 7.03, 7.26, etc.), which did not require Plan Approval.
	5. The Permittee shall provide a copy to MassDEP of any record required to be maintained by this Plan Approval within 30-days from MassDEP's request.
	6. The Permittee shall submit to MassDEP for approval a stack emission pretest protocol, at least 30 days prior to emission testing, for emission testing as defined in Table 3 Monitoring and Testing Requirements.
	7. The Permittee shall submit to MassDEP a final stack emission test results report, within 45 days after emission testing, for emission testing as defined in Table 3 Monitoring and Testing Requirements.

Table 5 Key:
EU# = Emission Unit Number
BWP = Bureau of Waste Prevention

4. SPECIAL TERMS AND CONDITIONS

The Permittee is subject to, and shall comply with, the following special terms and conditions:

A. The Permittee shall comply with the Special Terms and Conditions as contained in Table 6 below:

Table 6

EU#	Special Terms and Conditions
19 20	1. EU #19 and #20 are subject to the Standards of Performance for Stationary Compression Ignition Internal Combustion Engines, 40 CFR 60.4200 through 60.4219 and shall comply with all applicable requirements.
	2. EU #19 and #20 are subject to the National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 40 CFR 63.6580 and 63.6675 and shall comply with all applicable requirements.
	3. In accordance with 40 CFR 63.6590(c), a new emergency stationary RICE with a site rating of less than or equal to 500 brake horsepower located at an area source of HAP emissions does not have to meet the requirements of 40 CFR Part 63, Subpart ZZZZ and of 40 CFR Part 63 Subpart A.
	4. In accordance with 310 CMR 7.26(42)(d)2., each engine shall be operated and maintained in accordance with the manufacturer's recommended operating and maintenance procedures.
	5. In accordance with 310 CMR 7.26(42)(d).3., each engine and its associated equipment shall be constructed, located, operated and maintained in a manner to comply with the requirements of 310 CMR 7.10: *Noise*.
	6. In accordance with 310 CMR 7.26(42)(d)4.a., each engine shall utilize an exhaust stack that discharges so as to not cause a condition of air pollution (310 CMR 7.01(1)). Exhaust stacks shall be configured to discharge the combustion gases vertically and shall not be equipped with any part or device that restricts the vertical exhaust flow of the emitted combustion gases, including but not limited to rain protection devices "shanty caps" and "egg beaters". Any emission impacts of exhaust stacks upon sensitive receptors including, but not limited to, people, windows and doors that open, and building fresh air intakes shall be minimized by employing good air pollution control engineering practices. Such practices include without limitation: a. Avoiding location that may be subject to downwash of the exhaust; and b. Installing stack(s) of sufficient height in locations that will prevent and minimize flue gas impacts upon sensitive receptors.
	7. In accordance with 40 CFR 60.4207, beginning October 1, 2010, owners and operators of stationary compression ignition internal combustion engines subject to 40 CFR Part 60 Subpart IIII with a displacement of less than 30 liters per cylinder that use diesel fuel must purchase diesel fuel that meets the requirements of 40 CFR 80.510(b) for nonroad diesel fuel.
	8. In accordance with 40 CFR 60.4211(a): a. Operate and maintain each engine according to the manufacturer's emission-related written instructions; b. Change only those emission –related settings that are permitted by the manufacturer; and c. Meet the requirements of 40 CFR Parts 89, 94 and/or 1068, as they apply to you.

Table 6	
EU#	**Special Terms and Conditions**
19 20	9. In accordance with 40 CFR 60.4211(f), emergency stationary ICE may be operated for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by Federal, State or local government, the manufacturer, the vendor, or the insurance company associated with the engine. Maintenance checks and readiness testing of such units is limited to 100 hours per year. There is no time limit on the use of emergency stationary ICE in emergency situations. The owner or operator may petition the USEPA and MassDEP for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that Federal, State, or local standards require maintenance and testing of emergency ICE beyond 100 hours per year. Emergency stationary ICE may operate up to 50 hours per year in non-emergency situations, but those 50 hours are counted towards the 100 hours per year provided for maintenance and testing. The 50 hours per year for non-emergency situations cannot be used for peak shaving or to generate income for a facility to supply power to an electric grid or otherwise supply non-emergency power as part of a financial arrangement with another entity. For owners and operators of emergency engines, any operation other than emergency operation, maintenance and testing, and operation in non-emergency situations for 50 hours per year, as permitted in this section, is prohibited.
	10. In accordance with 40 CFR 60.4211(g)(1), if you do not install, configure, operate, and maintain your engine and control device according to the manufacturer's emission-related written instructions, or you change emission-related settings in a way that is not permitted by the manufacturer, you must demonstrate compliance as follows: you must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, if you do not install and configure the engine and control device according to the manufacturer's emission-related written instructions, or you change the emission-related settings in a way that is not permitted by the manufacturer, you must conduct an initial performance test to demonstrate compliance with the applicable emission standards within 1 year of such action.
	11. In accordance with 40 CFR 60.4212(c), exhaust emissions from stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR 89.112 or 40 CFR 94.8, as applicable, must not exceed the not-to-exceed (NTE) numerical requirements, rounded to the same number of decimal places as the applicable standard in 40 CFR 89.112 or 40 CFR 94.8, as applicable, determined from the following equation: NTE requirement for each pollutant = (1.25) × (STD) (Eq. 1) Where: STD = The standard specified for that pollutant in 40 CFR 89.112 or 40 CFR 94.8, as applicable. Alternatively, stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR 89.112 or 40 CFR 94.8 may follow the testing procedures specified in §60.4213 of this subpart, as appropriate.

Table 6	
EU#	**Special Terms and Conditions**
Facility -wide	12. Any prior Plan Approvals issued under 310 CMR 7.02 shall remain in effect unless specifically changed or superseded by this Plan Approval. The Facility shall not exceed the emission limits and shall comply with approved conditions specified in the prior Plan Approval(s) unless specifically altered by this Plan Approval. 13. The Permittee shall submit to MassDEP within 90 days of this Final Approval an updated version of its Air Quality Operating Permit Renewal application reflecting the requirements of this Final Approval.

Table 6 Key:
EU# = Emission Unit Number
CFR = Code of Federal Regulations
CI ICE = Compression Ignition Internal Combustion Engine
USEPA = United States Environmental Protection Agency

B. The Permittee shall install and use an exhaust stack, as required in Table 7, on each of the Emission Units that is consistent with good air pollution control engineering practice and that discharges so as to not cause or contribute to a condition of air pollution. Each exhaust stack shall be configured to discharge the gases vertically and shall not be equipped with any part or device that restricts the vertical exhaust flow of the emitted gases, including but not limited to rain protection devices known as "shanty caps" and "egg beaters." The Permittee shall install and utilize exhaust stacks with the following parameters, as contained in Table 7 below, for the Emission Units that are regulated by this Plan Approval:

Table 7				
EU#	**Stack Height Above Ground (feet)**	**Stack Inside Exit Dimensions (feet)**	**Stack Gas Exit Velocity Range (feet per second)**	**Stack Gas Exit Temperature Range (^{o}F)**
19	50	0.33	~61 @100% load	~928@100% load
20	59	0.33	~61 @100% load	~928@100% load

Table 7 Key:
EU# = Emission Unit Number
^{o}F = Degree Fahrenheit

5. GENERAL CONDITIONS

The Permittee is subject to, and shall comply with, the following general conditions:

A. Pursuant to 310 CMR 7.01, 7.02, 7.09 and 7.10, should any nuisance condition(s), including but not limited to smoke, dust, odor or noise, occur as the result of the operation of the Facility, then the Permittee shall immediately take appropriate steps including shutdown, if necessary, to abate said nuisance condition(s).

B. If asbestos remediation/removal will occur as a result of the approved construction, reconstruction, or alteration of this Facility, the Permittee shall ensure that all removal/remediation of asbestos shall be done in accordance with 310 CMR 7.15 in its entirety and 310 CMR 4.00.

C. If construction or demolition of an industrial, commercial or institutional building will occur as a result of the approved construction, reconstruction, or alteration of this Facility, the Permittee shall ensure that said construction or demolition shall be done in accordance with 310 CMR 7.09(2) and 310 CMR 4.00.

D. Pursuant to 310 CMR 7.01(2)(b) and 7.02(7)(b), the Permittee shall allow MassDEP and / or USEPA personnel access to the Facility, buildings, and all pertinent records for the purpose of making inspections and surveys, collecting samples, obtaining data, and reviewing records.

E. This Plan Approval does not negate the responsibility of the Permittee to comply with any other applicable Federal, State, or local regulations now or in the future.

F. Should there be any differences between the Application and this Plan Approval, the Plan Approval shall govern.

G. Pursuant to 310 CMR 7.02(3)(k), MassDEP may revoke this Plan Approval if the construction work is not commenced within two years from the date of issuance of this Plan Approval, or if the construction work is suspended for one year or more.

H. This Plan Approval may be suspended, modified, or revoked by MassDEP if MassDEP determines that any condition or part of this Plan Approval is being violated.

I. This Plan Approval may be modified or amended when in the opinion of MassDEP such is necessary or appropriate to clarify the Plan Approval conditions or after consideration of a written request by the Permittee to amend the Plan Approval conditions.

J. The Permittee shall conduct emission testing, if requested by MassDEP, in accordance with USEPA Reference Test Methods and regulation 310 CMR 7.13. If required, a pretest

protocol report shall be submitted to MassDEP at least 30 days prior to emission testing and the final test results report shall be submitted within 45 days after emission testing.

K. Pursuant to 310 CMR 7.01(3) and 7.02(3)(f), the Permittee shall comply with all conditions contained in this Plan Approval. Should there be any differences between provisions contained in the General Conditions and provisions contained elsewhere in the Plan Approval, the latter shall govern.

6. MASSACHUSETTS ENVIRONMENTAL POLICY ACT

MassDEP has determined that the filing of an Environmental Notification Form (ENF) with the Secretary of Energy & Environmental Affairs, for air quality control purposes, was not required prior to this action by MassDEP. Notwithstanding this determination, the Massachusetts Environmental Policy Act (MEPA) and 301 CMR 11.00, Section 11.04, provide certain "Fail-Safe Provisions," which allow the Secretary to require the filing of an ENF and/or an Environmental Impact Report (EIR) at a later time.

7. APPEAL PROCESS

This Plan Approval is an action of MassDEP. If you are aggrieved by this action, you may request an adjudicatory hearing. A request for a hearing must be made in writing and postmarked within twenty-one (21) days of the date of issuance of this Plan Approval.

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts, which are the grounds for the request, and the relief sought. Additionally, the request must state why the Plan Approval is not consistent with applicable laws and regulations.

The hearing request along with a valid check payable to the Commonwealth of Massachusetts in the amount of one hundred dollars ($100.00) must be mailed to:

Commonwealth of Massachusetts
Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211

This request will be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver as described below. The filing fee is not required if the appellant is a city or town (or municipal agency), county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

MassDEP may waive the adjudicatory hearing-filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with

the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Should you have any questions concerning this Plan Approval, please contact Cortney Danneker by telephone at 413-755-2234, or in writing at the letterhead address.

Marc Simpson
Air Quality Permit Chief
Bureau of Waste Prevention
Western Region

cc: WERO AQ plan file
WERO AQ approval file

ecc: Yi Tian, MassDEP Boston
Peter Czapienski, MassDEP Western Region